

PATENT APPLICATION NO.: 10/808,551
Attorney Docket No.: ST3001-0039
Amendment and Response

REMARKS

At the outset, Applicant would like to thank the Examiner for the detailed Office Action and the indication that claims 4, 19-23, and 26 contain allowable subject matter.

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks.

The Claims Define Allowable Subject Matter

In the Office Action, beginning at page 2, Claims 1-11, 14-16, 24, and 25 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over the disclosure of U.S. Publication No. 2004/0251469 to Yatsuda et al. (Yatsuda‘469) in view of the disclosure of U.S. Patent No. 6,850,001 to Takekuma (Takekuma‘001). This rejection is respectfully traversed, and Applicant requests reconsideration for at least the following reasons.

In accordance with 35 U.S.C. §103(c), and in view of the attached “Statement Concerning Common Ownership,” it is respectfully submitted that Yatsuda‘469 is not available for use in a rejection under 35 U.S.C. §103(a). In particular, both Yatsuda‘469 and the present application were co-owned at the time of invention by the assignee of the present application, namely, Stanley Electric Co., Ltd.

Under U.S. law, Yatsuda‘469 is not available for use in any obviousness-type rejections against the present application. 35 U.S.C. §103(c) indicates that:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Under the guidelines set for by the Commissioner in 1241 O.G. 97 (December 26, 2000), the attached “Statement Concerning Common Ownership” should provide the necessary evidence for eliminating Yatsuda‘469 as a reference available for obviousness type rejections in this case. However, for the Examiner’s convenience, Applicant attaches a copy of the Recordation Cover Sheets received from the Assignment Recordation Division at the U.S. Patent & Trademark Office for both Yatuda‘469 and for the present application to further evidence the

PATENT APPLICATION NO.: 10/808,551
Attorney Docket No.: ST3001-0039
Amendment and Response

common ownership at the time of invention.

In view of the above remarks and the attached evidence, it is respectfully submitted that the rejection of claims 1-11, 14-16, 24, and 25 cannot be maintained because the base reference to Yatsuda‘469 is not available for use in a rejection under 35 U.S.C. §103. Withdrawal of the rejection is respectfully requested.

In the Office Action, beginning at page 19, Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over the disclosure of Yatsuda‘469 in view of the disclosure of U.S. Patent Publication No. 2004/0008516 to Amano (Amano‘516). This rejection is respectfully traversed, and Applicant requests reconsideration for at least the following reasons.

The rejection of claims 12 and 13 should also be withdrawn in view of the above remarks with respect to claims 1-11, 14-16, 24, and 25, and the attached evidence. It is respectfully submitted that the rejection of claims 12 and 13 cannot be maintained because the base reference to Yatsuda‘469 is not available for use in a rejection under 35 U.S.C. §103. Withdrawal of the rejection is respectfully requested.

PATENT APPLICATION NO.: 10/808,551
Attorney Docket No.: ST3001-0039
Amendment and Response

Statement Concerning Common Ownership

It is respectfully submitted that the present application (U.S. Patent Application No. 10/808,551) and the primary applied reference (U.S. Patent Publication No. 2004/0251469 based on U.S. Patent Application Serial No. 10/662,374 to Yatsuda et al.) were, at the time the present invention was made, owned by, or subject to an obligation of assignment to, the same person/company, namely, Stanley Electric Co., Ltd.

PATENT APPLICATION NO.: 10/808,551
Attorney Docket No.: ST3001-0039
Amendment and Response

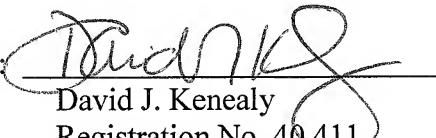
Conclusion

Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of this patent application is therefore respectfully solicited.

If the patent examiner believes that a telephone conference with the undersigned would expedite passage of this patent application to issue, they are invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. If, however, additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account 50-2821.

Respectfully submitted,
Cermak & Kenealy LLP

By: 
David J. Kenealy
Registration No. 40,411

U.S.P.T.O. Customer Number 39083

Cermak & Kenealy LLP
515 E. Braddock Rd., Suite B
Alexandria, Virginia 22314

703.778.6610 (v)
703.652.5101 (f)

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